

REMARKS

Status of the Claims

Claims 1-12 are pending. Claims 9-12 are withdrawn from examination as being directed to a separate invention. Claims 1-8 are currently under examination.

Rejoinder

Applicants respectfully point out that MPEP 821.04(b) requires that once a product claim is found allowable, withdrawn method claims which depend from or otherwise include all the limitations of the allowable product claim must be rejoined. Thus, once a claim (claims 1-7) directed to a product is found allowable, withdrawn method claims (claim 8 and 9) which depend from or otherwise include all the limitations of the allowed claim must be rejoined.

Amendments to the Claim

Claims 1-9 have been amended to delete “*in vivo* hydrolysable ester or amide thereof containing a carboxy or hydroxy group.” Applicants reserve the right to pursue the deleted subject matter in a continuation and/or divisional application. The amendments to claims 1-9 do not introduce prohibited new matter.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-8 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

The Office Action alleges that claims 1-8 provide no indication as what the phrase “*in vivo* hydrolysable ester or amide” encompasses. Applicants respectfully point out that they do not agree with this rejection. However, in the interest of advancing the prosecution of this application to allowance, Applicants have deleted the term “*in vivo* hydrolysable ester or amide” from the claims. Accordingly, this rejection is no longer applicable to claims 1-8.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 1-8 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The Office Action alleges that the phrase “*in vivo* hydrolysable ester or amide containing a carboxy or a hydroxyl group” renders the claims indefinite. Without acquiescing to the propriety of this rejection, Applicants have deleted the term “*in vivo* hydrolysable ester or amide” from the claims. In view of the amendment, this rejection is not applicable to claims 1-8.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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